

will note a description of several methods of meltspinning fibers, including meltblowing, spunbonding and bonded carded web processes. It is therefore respectfully submitted that the Examiner's objection should be withdrawn.

By way of the Office Action mailed November 27, 2001, Examiner Webb rejected claim 3 under 35 U.S.C. § 112, first paragraph. This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claim, for the following reasons. As stated above, the Examiner's attention is drawn to the specification, pages 3, 10, and 11 for a full description of such elastomeric thermoplastic polymers used to make thermoplastic fibers as well as methods of making such fibers.

By way of the same Office Action, Examiner Webb rejected claim 11 under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claim, for the following reasons. The claim has been amended, taking the Examiner's comments into consideration. In particular the term "which" has been removed and the term "expands" has been replaced with the term "expandable", consistent with the language utilized in claim 1. See in this regard, page 18, lines 14-15.

By way of the same Office Action, the Examiner has rejected claims 1, 2, 4-8 and 11-20 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 5,350,370 to Jackson et al. in view of U.S. Patent 5,672,419 to Mukaida et al. This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claim, for the following reasons.

At least with respect to claims 1,2,4-6, and 16-20, the following arguments apply:

As the Examiner has noted, the Jackson reference discloses the use of an absorbent material that comprises superabsorbent. Further, the Jackson reference describes the use of swellable superabsorbent (as opposed to an overall swellable material), in combination with fine wettable fibers and pulp fluff. See for instance, the Abstract and Col. 4, lines 19-34. Jackson, however, does not disclose the use of crimped thermoplastic fibers- in a percentage of from about 25 to about 99 weight percent.

The Examiner has cited the Mukaida reference as disclosing that a fibrous material can be in staple form, and that the Examiner considers such staple fibers to be in a crimped form. Applicants would respectfully disagree that staple fibers are inherently crimped and would therefore ask the Examiner to provide evidence to such effect, or to a passage in the reference indicating that the staple fibers described is the case were crimped. While it is true that Mukaida teaches the use of organic synthetic fibers such as bicomponent fibers in a side-by-side arrangement as well as cellulosic-type pulp fluff, it is not clear from the reference that the materials are equivalent, nor has the Examiner provided statements within the reference indicating such. Such is respectfully

requested. It is submitted that the Examiner has **not** demonstrated that pulp fibers and bicomponent fibers were art-recognized equivalents. The Examiner has **n** t shown one of ordinary skill in the art would have found it obvious to substitute organic bicomponent fiber for the pulp fiber, and furthermore, at the claimed percentages. Additionally, as noted in the current application through the comparative test data on pages 19-20, the performance of pulp fiber material is less than that of the claimed invention involving crimped thermoplastic fibers.

Nevertheless, it is clear that the Mukaida reference focuses on a water absorbent material that includes a water absorbing polymer, resin powders, and fibrous materials. It is not believed that the Mukaida reference describes a material with a particular density. Further, the reference describes the material throughout the specification as having excellent water absorbency, absorbing speed and shape retention property after water absorption. See in this regard the Abstract, and Column 5, lines 36-43. This is in contrast to the claimed invention which is "expandable" because the crimped fibers provide the necessary flexibility and fiber spacing to a web to allow the superabsorbent to expand.

It is submitted that the combination of the Jackson and Mukaida references is inappropriate and that the Examiner has not made out a prima facie case of obviousness. Applicants would therefore respectfully submit that the rejection should be withdrawn.

With respect to claims 7 and 8, it is acknowledged that Jackson discloses the use of adhesive sprays as a binder in the Jackson material. However, for the reasons discussed above, since the underlying independent claim is not obvious, Applicants would argue that the claims depending therefrom are likewise not obvious. Applicants would therefore respectfully submit that the rejection should be withdrawn.

With respect to claims 12-15, it is acknowledged that Jackson discloses an absorbent material to be used in diapers, training pants, incontinence garments, sanitary napkins, bandages and the like. However, for the reasons discussed above, since the underlying independent claim is not obvious, Applicants would argue that the claims depending therefrom are likewise not obvious. Applicants would therefore respectfully submit that the rejection should be withdrawn.

With respect to claim 11, as has been previously discussed, the Jackson reference describes the superabsorbent material as swelling, as opposed to the overall material. Furthermore, as the current application makes clear, it is preferable that the overall material expand at least about 50 percent so as to increase the available void volume. Furthermore, such materials were noted to be softer and more flexible. See for instance the specification at page 18, lines 5-17. Such specific benefits are therefore outlined in the text and would not be merely an obvious matter of design choice. Applicants would therefore respectfully submit that the rejection should be withdrawn.

By way of the same Office Action, the Examiner has rejected claim 9 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 5,350,370 to Jackson et al. and U.S. Patent 5,672,419 to Mukaida et al. as applied to claim 1, and further in view of Pike et al. (5,382,400). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claim, for the following reasons.

As previously discussed, the independent claims would not be considered obvious in light of the arguments asserted above and thus claim 9 depending therefrom, likewise would not be considered obvious. It should further be noted that the particular passage of Pike cited by the Examiner, focuses on heat activation as opposed to mechanical crimping. Applicants would therefore respectfully submit that the rejection should be withdrawn.

Finally, by way of the same Office Action, the Examiner has rejected claim 10 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 5,350,370 to Jackson et al. and U.S. Patent 5,672,419 to Mukaida et al. as applied to claim 1, and further in view of Tsai et al. (5,401,446). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claim, for the following reasons.

As previously discussed, the independent claims would not be considered obvious in light of the arguments asserted above and thus claim 10 depending therefrom, likewise would not be considered obvious. Applicants would therefore respectfully submit that the rejection should be withdrawn.

For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance. However, should the Examiner feel that issues remain unresolved, she is encouraged to call the undersigned at :(770)-587-8646.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

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CERTIFICATE OF MAILING

I, Steven D. Flack, hereby certify that on May 24, 2002 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

By: 

Steven D. Flack

Version with Markings to show changes made

In the Claims

11. (Amended) The material of claim 1 [which expands] ,wherein said material is expandable by at least about 50 percent upon wetting.